g.7.52-98.

G. R. S. IX-5]

Previous references.

1897-98

~~191~~ .

(Courts .)

File No. 6.

Serial Nos. 1-5.

Later references.

P. 26

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1— 5.

M ~~Part~~ B for Feb, 1899.

SUBJECT.

The pecuniary limits of the jurisdiction of all Sub-judges and Munsiffs.

Counterpart ~~marked~~ Indexed by

W D 83—GPB—50,000—24-7-16

REGULATION I OF 1883.

The Mysore Civil Courts Regulation, 1883.

WHEREAS it is expedient to consolidate and amend the law relating to the constitution, powers and jurisdiction of the Civil Courts in the Territories of Mysore subordinate to the Court of the Chief Judge of Mysore, His Highness the Maharaja is pleased to enact as follows:—

Preamble.

Short title.

This Regulation may be called "The Mysore Civil Courts Regulation, 1883."

Local extent.
Commencement.

It extends to the whole of the Territories of Mysore and it shall come into force on the 1st day of July 1883.

Rules repealed.

2. From and after that day, the Notification of the Government of India No. 235 I. J., Foreign Department, dated Simla, the 27th of August 1879, shall be repealed.

Class and designation of Courts.

3. Besides the Court of the Chief Judge of Mysore, which shall hereafter be styled "The Chief Court of Mysore," there shall be three classes of Civil Courts, namely—

1*stly*. The District Court.
2*ndly*. The Court of the Subordinate Judge.
3*rdly*. The Court of the Munsiff.

Number of Courts.

4. (*a*) The number of District Courts and of the Courts of Subordinate Judges and Munsiffs shall be fixed, and may, from time to time, be altered by the Government of Mysore.

Locality of Courts.

(*b*) The place at which every such Civil Court shall be held shall be fixed, and may, from time to time, be altered by the Government of Mysore.

Appointment of Judges.

(*c*) The Judge of every such Civil Court shall be appointed by the Government of Mysore, provided that the appointment of a Munsiff shall be made only upon nomination by the Chief Court of Mysore.

Seal of Court.

(*d*) Every such Civil Court shall use a seal of such form and dimensions as are, for the time being, prescribed by the Government of Mysore. The seal now used by every such Civil Court shall be deemed to have been prescribed under this Section.

Local jurisdiction of Courts.

5. The Government of Mysore may fix, and may, from time to time, alter the local limits of the jurisdiction of a District Court or of the Court of a Subordinate Judge or Munsiff. The present local limits of the jurisdiction of every such Court shall be deemed to have beed fixed under this Regulation.

Jurisdiction of District Court.

6. The jurisdiction of the District Court shall extend, subject to the rules contained in the Code of Civil Procedure, to all original suits and proceedings of a civil nature.

The principal Civil Court in the District.

7. The District Court shall be deemed to be the principal Civil Court of original jurisdiction within the local limits of its jurisdiction.

Control of Subordinate Courts in the District.

8. The District Court shall, subject to the general control of the Chief Court of Mysore, have control over all Civil Courts within the limits of its local jurisdiction.

Jurisdiction of Subordinate Judge.

9. The jurisdiction of a Subordinate Judge shall extend to all original suits and proceedings of a civil nature, not otherwise exempted from his jurisdiction, of which the amount or value of the subject-matter does not exceed Rs. 5,000.

Jurisdiction of Munsiff.

10. The jurisdiction of a Munsiff shall extend to all like suits and proceedings, not otherwise exempted from his jurisdiction, of which the amount or value of the subject-matter does not exceed Rs. 1,000.

Valuation of suits.

11. When the subject-matter of any suit or proceeding is land, a house or a garden, its value shall, for the purposes of the jurisdiction conferred by this Regulation, be fixed in the manner provided by the Court Fees Act, 1870, Section 7, Clause 5.

Appeal from District Courts.

12. Appeals from the decrees and orders passed in original suits and proceedings by a District Court shall, when such appeals are allowed by law, lie to the Chief Court of Mysore.

Appeal from Subordinate Judge.

13. Appeals from the decrees and orders passed by a Subordinate Judge in original suits and proceedings shall, when such appeals are allowed by law, lie to the Chief Court of Mysore, except when the amount or value of the subject-matter of the original suit or proceeding does not exceed Rs. 3,000, in which case the appeal shall lie to the District Court having local jurisdiction.

Appeal from Munsiff.

14. Appeals from the decrees and orders of a Munsiff in original suits and proceedings shall, when such appeals are allowed by law, lie to the District Court having local jurisdiction.

Provided that such District Court may refer any such appeal for disposal to any Subordinate Judge within the limits of its local jurisdiction.

Second Appeals.

15. A second appeal from a decree or order passed by a District Court or by the Court of a Subordinate Judge in an appeal suit or proceeding shall, when such appeal is allowed by law, lie to the Chief Court of Mysore.

Small Cause powers.

16. The Government of Mysore may, by Notification in the *Mysore Gazette*, invest, within such local limits as it shall, from time to time appoint, any Subordinate Judge or other officer specially selected by it, with the jurisdiction of a Court of Small Causes, for the trial of suits cognizable by such Court up to any amount not exceeding Rs. 500;

and any Munsiff, with the same jurisdiction, up to any amount not exceeding Rs. 50,

and it may, by like Notification, withdraw or alter the jurisdiction so vested.

Law applicable to questions of succession, &c.

17. Where in any suit or proceeding it is necessary for any Court under this Regulation to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution,

(*a*) the Muhammadan Law in cases where the parties are Muhammadans, and the Hindu Law in cases where the parties are Hindus, or

(*b*) any custom (if such there be) having the force of law and governing the parties or property concerned,

shall form the rule of decision, unless such law or custom has, by legislative enactment, been altered or abolished.

(*c*) In cases where no specific rule exists, the Court shall act according to justice, equity and good conscience.

Judge not to try suits in which he is interested.

18. No Judge shall try any suit to, or in, which he is a party or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

Or appeals from his decrees passed in another capacity.

No Judge shall try any appeal against a decree or order passed by himself in another capacity.

When any such suit, proceeding or appeal comes before any such Judge, he shall report the circumstances to the Court to which he is immediately subordinate.

The superior Court shall thereupon dispose of the case in the manner prescribed by the Code of Civil Procedure, Section 25.

Suspension or removal of Judges.

19. Any District Judge, Subordinate Judge or Munsiff may, for any misconduct, be suspended or removed by the Government of Mysore.

Suspension or removal of Munsiffs.

20. The Chief Court may suspend any Munsiff for any alleged misconduct, and may either itself enquire into such alleged misconduct or appoint a commission for enquiring thereinto.

On the completion of such enquiry held by itself, or on receiving the report of the commission appointed to conduct such enquiry, the Chief Court may, if it thinks fit, and subject to the confirmation of Government, remove the Munsiff from office, or suspend him, or reduce him to a lower grade.

Appointment, &c., of ministerial officers.

21. The ministerial officers of every Court shall be appointed, and may be suspended or removed, by the Judge of that Court. The orders of appointment, suspension or removal passed by Subordinate Judges and Munsiffs shall be subject to the approval of the District Court; and the orders of appointment to, and suspension and removal from, offices the monthly salary of which exceeds Rs. 50, when passed by a District Court, shall be subject to confirmation by the Chief Court of Mysore. Every appointment to a ministerial office shall be made subject to such rules as the Government of Mysore, from time to time, prescribes in this behalf.

Vacation.

22. The Chief Court of Mysore may permit the Civil Courts under its control to adjourn, from time to time, for periods not exceeding in the aggregate six weeks in each year in addition to public holidays authorized by the Government of Mysore.

K. SHESHADRI IYER,

Dewan of Mysore.

REGULATION NO. V OF 1892.

A Regulation to amend the Mysore Civil Courts' Regulation I of 1883.

Preamble.

WHEREAS it is expedient to amend the Mysore Civil Courts' Regulation I of 1883; His Highness the Maharaja is pleased to enact as follows:—

Amendment of Section 16 of Regulation I of 1883.

1. In Section 16 of the said Regulation, before the words "Subordinate Judge," the words "District Judge or" shall be inserted.

K. SHESHADRI IYER,
Dewan of Mysore.

REGULATION VI OF 1894.

(Passed on the 22nd day of July 1894)

***A Regulation to further amend the Mysore Civil Courts' Regulation I of* 1883.**

Preamble.

WHEREAS it is expedient to further amend the Mysore Civil Courts' Regulation I of 1883 ; His Highness the Maharaja is pleased to enact as follows :—

Insertion of a proviso after clause (*c*) of Section 4.

1. After clause (*c*) of Section 4, the following shall be inserted, namely :—

" Provided further that in emergent cases, *i. e.*, in the event of the death of a Munsiff or of his being suspended, or incapacitated by illness or otherwise for the performance of his duties, the Chief Court may, pending the orders of Government, to which a report shall be made in that behalf, fill up the vacancy thus caused temporarily by appointing such person as it thinks fit to act in such office."

K. SHESHADRI IYER,
Dewan of Mysore.

REGULATION No. II OF 1898.

(Passed on the Thirtieth Day of May 1898.)

A Regulation to further amend the Mysore Civil Courts Regulation I of 1883, as amended by Regulations V of 1892 and VI of 1894.

Preamble.

Whereas it is expedient to further amend the Mysore Civil Courts Regulation with a view to enhance the pecuniary jurisdiction of Subordinate Judges and Munsiffs, and to provide for certain other matters: Her Highness the Maharani-Regent is pleased to enact as follows:—

Addition to Section 9.

1. The following shall be added to Section 9 of the said Regulation, namely:—

"Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may, from time to time, prescribe, enhance the pecuniary limit of such jurisdiction up to Rs. 10,000."

Power to enhance Subordinate Judge's jurisdiction up to Rs. 10,000.

Addition to Section 10.

2. To Section 10 of the said Regulation add the following proviso, namely:—

"Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may, from time to time, prescribe, enhance the pecuniary limit of such jurisdiction up to Rs. 2,500."

Power to enhance Munsiff's jurisdiction up to Rs. 2,500.

Addition after Section 17.

3. After Section 17 of the said Regulation add the following:—

"17A. Whenever any suit or appeal instituted in any Court of original or appellate jurisdiction is disposed of without contest, by agreement of parties, the Court shall, on the application of the plaintiff or appellant, grant a certificate to him authorizing him to receive back from the Deputy Commissioner half the amount of fee paid on the plaint or memorandum of appeal.

Refund of half fee in uncontested cases.

Provided that the said application is made within six months of the date when the judgment or final order was passed. In all such cases, the party ordered to pay costs shall be charged only with half the amount of the institution fee."

K. SHESHADRI IYER,
Dewan of Mysore.

J. Branch
Please submit this
to Secty with the file
P.C.
17/1/99
Subd
No 7/11

5 6

Bangalore
17th January 1899

Sir,

The information called for by the 1st Councillor in his note dated the 14th instant with your D.O. of the 9th instant had to be collected from figures called for from the Subordinate Courts for the purpose. I was therefore unable to furnish you with the same till now. I send enclosed 5 Statements. A shows the effect of enhancing the Jurisdiction of Munsiffs from Rs 1000 to Rs 2500, and B that of Sub Judges from Rs 5000 to Rs 10,000.

Statements C and D show the probable quantity of Small Cause work which the Sub Judges and the Munsiffs of Bangalore, Mysore and Shimoga will have if the S.C. Jurisdiction of the former is raised to Rs 200 and that of the latter to Rs 100. E is an abstract Statement showing the work which these will have under the Suggestion made by the Councillors.

The effect of enhancing the original Jurisdiction of Sub Judges and Munsiffs will be a slight increase of work in the Munsiffs' Courts and a slight decrease in the Sub Judges' Courts as will be seen

from the Statements

The C.J. is not in favor of the proposal to increase the S.C. Jurisdiction of the Sub Judges or of the Dists of Bangalore Mysore and Shimoga, as it will still further increase the work of the Dists and decrease that of the Sub Judges.

The enclosure of your letter is herewith returned.

I Remain

Yours Sincerely

[illegible]

[illegible]

[illegible]

GOVERNMENT OF MYSORE

Bangalore
9 Dec 1898

My dear [illegible]

I have asked the CCI to let us know with the permission of C Jones

what will be the effect of enhancing the pension of Rs 1000 to Rs 1500?

2 Do of enhancing the pension of not under Rs 1000.

I think then will be a very slight increase

in the W y mts in
each of the Ch - hills
& Nat Jungles - In Hampton
Negro & Slavery there
may be same peculiarities
in cases they may not
It will be often so with
white cattle always be
seen of Eng & ably
be united with South
C Jersey up to 100 lb
for medium cows
any need the Jersey
of Red Devon the same
200 lb

I am in favor
of the CCCs' proposal
to enhance the fund
of work that Indians
currently under the New
Deal — but I would
like about what amount to
enable me to send
my opinion on down
to the Senate

Please let me
have available statistics
from the New Mexico
Relief Administration
as to the number of
Indians now receiving
relief there. Also from the Arizona relief

Office
for meeting of
9-12-78

A

Statement shewing the effect of enha
the Jurisdiction of Munsiffs generally fro
to Rs 2500/-

Munsiffs	Actual numbers of suits now instituted in Munsiffs' Courts		Add no: of original suits between 1000 & 2500 Rs now instituted in Sub Courts & distributed among the Munsiffs within their jurisdiction	The effect of the contemplated increase of Jurisdiction to 2500 Rs	
	Original Suits not exceeding Rs 1000.	Small Causes		Original Suits to 2500 Rs	Small Causes
1	2	3	4	5	6
Munsiff Bangalore	1839	2971	29	1868	2971
" Nelamangala	742	616	12	754	616
" Kolar	475	474	7	482	474
" Kolar Gold Fields	289	347	5	294	347
" Chickballapur	478	340	7	485	340
" Tumkur	832	610	13	845	610
" Madgiri	384	246	6	390	246
			79		
" Mysore	1178	995	17	1195	995
Seringapatam	1377	832	20	1397	832
" Nanjangud	1056	473	15	1071	473
Holenarsipur	827	472	12	839	472
Hassan	944	564	13	957	564
			77		
Shimoga	631	690	17	648	690
Sagar	405	160	10	415	160
Nowmalli	444	268	12	456	268
Chickmagalur	737	426	19	756	426
Yedahally	381	163	10	391	163
Chitaldroog	574	353	15	589	353
			83		

The Munsiffs generally would have a slight increase of original suits & also the usual Small Causes.

9

B

Statement shewing the effect of enhancing the original jurisdiction of Subordinate Judges from 5000 to 10000 Rupees.

Sub Judges	Actual No: now instituted		Add institutions in Distt: Courts of Suits above 5000 & not exceeding Rs. 10000	Total Original Suits	Deduct cases bet: 10000 & 2500 which will go to Munsiffs	The effect of enhancing the jurisdiction of Sub Judges fr: 5000 to 10000 Rs.		Remarks
	Original bet: 5000 & 2500	Small Causes ~~bet: 500 & 100~~	Original Suits	Original Suits	Original Suits	Original Suits	Small Causes	
Bangalore	113	950	4	117	79	38	950	The Sub Judges will have a perceptible decrease of original work.
Mysore	111	492	10	121	77	44	492	
Shimoga	113	241	8	121	83	38	241	

C

Statement shewing the effect of increasing the Small Cause Juris diction of Head Quarter Munsiffs from Rs 50 to Rs 100.

Head Quarter Munsiffs	Actual No: of Small Causes now instituted up to Rs 50/-	Add cases between 50 & 100 belonging to Sub-Jurges.	The effect of raising the Juris diction
Munsiff Bangalore	2971	950	3921
" Mysore	995	492	1487
" Shimoga	690	241	931

D

Statement shewing the effect of increasing the Small Cause Jurisdiction of Sub Judges from Rs 100 to Rs 200/-

Sub Judges	Actual no: now instituted between 50 to 100/-	Small Causes between 100 to 200	Decrease of work ~~in the pro~~ ~~to be done~~ ~~by ill~~	Remarks.
	S.C.	S.C.	S.C	
Bangalore	950	451	499	
Mysore	492	312	180	
Shemoga	241	209	32	

E

Abstract statement of increase & decrease of work of the Head Quarter Courts in the charge of Jurisdiction Contempt

Head Quarter Courts	Increase in		Decrease in	
	original Suits	Small Causes	original Suits	Small Causes
Munsiffs Bangalore	29	950	"	"
" Mysore	17	492	"	"
" Shimoga	17	241	"	"
Subordinate Bangalore	"	"	79	499
" Mysore	"	"	77	180
" Shimoga	"	"	83	32

3 14

12th December 1898

My Dear Sir

Yours of the 9th instant. The information called for by the 1st Cameella is not available here. We have written to the Lower Ps and so soon as the figures are received I shall reply in detail

Yours truly
Mayhew Reading

L. Arunachalam Esq

Subd to Secty

This may, I think, be subd to the 1st & join inf.

The 1st & DO has not been returned by the Registrar, Chief Court

HL 13/12/98

Subd

13-12-98

10309 Seen

AH

13/12/98

CL

14-12-98

Reminder DO sent today

Registrar Chief Court

HL 12/1/99

15

Tuled & drawn as
directed by the Asst Engr

18-1-99

The increased production
as recommended by the Chief Engr
may be sanctioned, but
I am not sure a date
is required - If required
Say 1st March -

by

21-1-99

Draft a letter sanctioning as
above & submit

1-2-99

Ik 6

My dear

I shall write
about enhancement
of Mills & Mat Jones
[illegible] has not
yet been spent
or part in Sept
& so I shall
I think call the 12
dock by 1st Apl/99
etc etc

[illegible]

47

The Notification dated 2/12/29
Thursday last - I have
think it - has appeared
in the Gazette yet &
so please order the
cancellation of the
Stamps for re-issue
& send a copy of the
Proclamation to the
Chief Court

5/2/29

(41)

1961

dy 24/6/98

Legis 94.

To The Registrar of
the Chief Courts of
Mysore

Sir,

I am directed to invite the attention of the judges of the Chief Court to the provision of Regulation II of 1898 (a Regulation to further amend the Mysore Civil Courts Regn. I of 1883, as amended by Regn V of 1892 & VI of 1894) which was passed by H. H. the Maharaja Regent on the 30th May 1898.

Fifty Spare Copies of the Regn are enclosed I have etc.

(Sd) C. Sreenivasiengar

Secy

Submitted for orders.
Secretary
Sd 1/12/98

62 R. 29 of 1898-99

(General Serial No 305)

1898 23 NOV. 98

From The Registrar of the Chief Court of Mysore. MYSORE. 656

To The Secretary to the Government of Mysore Genl & Rev Depts

Dated 18th November 98.

Despatched 22nd November 98.

Received

General No. 2993 } 1898
No. 33 }

Enclosures No.

This is quite legal but—my only doubt is whether a power intended to be given to a few select officers should be given to all Subordinate Magistrates as recommended by the Chief Court.

Submitted for favour of early orders.

1-12-98.

Advertising to the Secretary's No 16961 of 24th June last requests that Government may be pleased to raise the pecuniary limit of the jurisdiction of the Subordinate Magistrates to Rs 10000/ and of all Munsiffs to Rs 2500/-

I am in favour of the Judges proposal to raise the limit of the Munsiffs from 2500 to 10000 but before I do so I should like to see the statements I have called for and put up with this file so that the purpose of the enhancement will be fully answered. The Munsiffs who have that power should be under the control of Subordinate Judges who have that power.

Returned with the reference quoted within

To

The Judicial Branch.

V. S.

28/11/98.

To, The General Records

Please send also a copy of the Civil Courts Regulations together with Amendments

Civil Courts Regulation I of 83 together with Amendments

28/11-
29/11

1/12/98.

Central Jail Press, Bangalore.—5-7-98.—3,221.

Legis
23.11.98.

Returned on 23/11/98.

Issues to hold Legislative.

To, The Legislative Branch.

Please put up the reference quoted within

Bangalore, 18th November 1898.

No 2993
133

From

The Registrar of the
Chief Court of Mysore,
Bangalore.

To

The Secretary to the
Government of Mysore
General and Revenue Depa

Sir,

Adverting to your letter No. 1696 Leg. 9 dated the 24th June 1898, inviting th attention of the Judges of this Court the provisions of Regulation II of 1898 amending the Mysore Civil Courts — Regulation 1883, I am directed to re- -quest that Government may be pleased to raise the pecuniary limit of the jurisdiction of all Sub Judges to Rs. 10,000 and of all Munsiffs to Rs. 2,500.

I have the honor to be,

Sir,

Your most obedient servant;

Registrar.

Registrar.

6

No. 9106 / 1131 3-2-99

Read, (8C)

Letter no 2993/133 dated the 18th November 1898, from the Registrar of the Chief Court of Mysore, requesting that the pecuniary limits of the jurisdiction of all Sub-judges and Munsiffs may be raised to Rs 10,000 and ~~5000~~ 2500 respectively.

---

order thereon.

Sanctioned.

2 A notification to ~~that the same~~ this effect will be published in the Gazette.

BR. 2/2/99

2/2/99

To The Registrar, Secy.

No. 9107 / 1132 84

Notification.

Under sections 9 and of the Mysore Civil Courts Regulation No I of 1883, (as amended by Regulation Nos 5 of 1892, VI of 1894 and II of 1898), the pecuniary limit of the jurisdiction of Subordinate Judges is raised to Rs 10000 and that of Munsiffs to 2500 with effect from 1st April 1899.

By order,

2/2/99

Secy:

To,

The Compiler,
Mysore Gazette.

2/2

Issue above
Incorporate
for perusal

2/2/1899

10000
Tribune D.

Seen. Vide slip
annexed
4/2/99

1" March" is rather
an inconvenient date
There will be some
confusion in the
separation of the
2y a/cs - 1" April"
are best one Quarter
from - with "Jan."
been better if "1" July"
after resp - March
as the Notice has
issued it may stand.

4/2/99

9182

J. 1139

Offl Memo. 7-2

In Notifn No
9107 of the 4th inst
J. 1132
enhancing t
pecuniary limits o
Jurisdiction of Subord
Judges and Munsa
the Superintendent, S
Press is requested to
alter the date "18
March 1899" to "18th April
1899" before the Notifn
Notifn is published in
this weeks issue of
the Gazette.

7-2-99.

Note for Office.

As the orgl Notifn has
not been communicated to
the Chief Court this need not
be commund too.

7-2-99